

REMARKS

Claims 1-40 and 48-56 are pending. Applicants have amended claims 1-4, 6, 8, 12-14, 17-19, 22-26, 28-32, 36, 38, and 40 and have canceled claims 41-47 without acquiescence and without prejudice. Claims 48-56 have been added. The definition of the mutated duplex region at the end of claim 1 has been amended to replace the reference to a "non-chimeric duplex region" with one or two base pair substitutions. Claims 13, 17, 18, 22, and 23 have also been amended for consistency with amended claim 1. Support for these amendments are found in the bottom paragraph on page 5 of the description. Claims 48-56 refer to specific protein-encoding genomic segments in addition to the NA-encoding genomic segment, support can be found on page 2, lines 1-10, pages 10-11. Applicants assert that no new matter has been added.

In response to the Restriction Requirement, Applicants have provisionally elected Group I, but in view of the re-definition of the mutated duplex region in claims 1, 13, 17, 18 and 22, Applicants assert that claims 1-40 and 48-56 have a unified inventive concept. Thus, in view of the amended claims, Applicants respectfully request that the Restriction Requirement be withdrawn.

Applicants are also confused as to the mention of Bergmann et al. on page 2, paragraph 6 of the Restriction Requirement. Applicants respectfully request clarification of the reason for the mention of Bergmann et al to ensure that Applicants properly address the potential or alleged issues related to Bergmann et al.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe a fee for a two month extension of time is due with this response. The request for an extension of time accompanies this response in a separate paper.

If additional fees are due, please charge our Deposit Account No. 06-2375, under Order No. 10025165 from which the undersigned is authorized to draw.

Dated: December 22, 2003

Respectfully submitted,

By 

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